

GRIEVANCE POLICY SURVEY FOR MEMBERSHIP INPUT

ACTION REQUESTED:

As requested by the MSPOA members, the current Grievance Policy is being presented to the membership for input and comment.

The Board is seeking alternatives to the existing Grievance Policy.

Please take the time to respond to this request if you agree with the current Policy (attached) or provide suggestions to create a Policy more responsive to our needs. Both positive and negative comments are welcome. Feel free to suggest alternative methods of enforcing our rules and regulations as laid out in our Governing Documents.

The email address for MSPOA is:

mayanseasidepoa@yahoo.com

Background:

As a condition precedent, each MSPOA member agreed to abide by the MSPOA Governing Documents (Covenants, Bylaws, Article of Association and Board Resolutions).

As set out in the Covenants, there are certain rules/directives that were created to provide peace and harmony in our community, as well as setting the stage for asset appreciation.

However, on a rare occasion, a member takes it upon themselves to violate or ignore the governance that we all agreed to follow.

Position:

The MSPOA Board has the responsibility to pass resolutions within the confines and guidance of the MSPOA Governing Documents. The Board has the right to levy assessments.

The Board, being aware of certain violations of our Covenants, structured a policy to lead to fair and equitable adherence to the Governing Documents.

The Board provided a reasonable path to adherence. Namely:

1. The Board encourages neighbors to work out any issues in a neighborly way. This is by far the preferred solution
2. Failing that, one party may appeal to the Board for intervention.
3. If the Board feels that the issues truly violates the Covenants, a solution will be sought. This process would look for a reasonable solution in a timely fashion. In addition, the Board could find that there is no violation of our Covenants and so inform all parties.
4. If the Board, after working with both parties, finds that the grievance is valid and a cure is not forthcoming, the Board could impose an assessment as prescribed by the Articles of Association.
5. The Articles do define an enforcement methodology.
6. Note that either party may appeal a decision to the full Board.

Also, note that within the proposed 2018 Budget, there is no revenue line for assessments. The Board sincerely hopes that all issues never rise to the assessment level.

The Board also looked at using the Belize Court system to resolve issues (Covenant contractual breaches). This would be a time-consuming process without a necessarily clear decision. This doesn't even speak the cost involved to the MSPOA for legal fees which would come out of the budget.

The board hopes that the membership recognizes that the Board sought the most efficient, cost effective and considerate way to resolve internal community issues.

Again, please direct your thoughtful insight and comments to the MSPOA Board Secretary.

MSPOA Policy on Grievances

DRAFT (Jan 11, 2018)

It is the goal of the MSPOA Board to encourage neighbors to talk to one another before elevating issues to the Board. However, it must be noted that neighbors who feel frustrated, or feel that they cannot discuss issues directly with their neighbors, can request an impartial person to accompany them when they talk to their neighbors. One of these two methods should always be the first response to concerns between neighbors.

Purpose of Policy:

The Board does recognize, regardless of the reasons, that there will be, from time to time, written grievances submitted to the Board and will have to be addressed by the Board.

It should be noted that a grievance will not be acknowledged unless it is submitted specifically to the Board in writing. Currently, the Board has established an email account that owners may use when communicating with the Board. The email account is: mayanseasidepoa@yahoo.com.

When writing to the Board, please clearly state your issue. You are encouraged to also state what resolution, you recommend as a result of the Board hearing your grievance.

Procedure:

When the Secretary receives a grievance, it is passed to the Chairperson for resolution. The Chairperson, at his/her discretion, may intervene directly, pass the grievance to the Executive Committee or to the full Board. A resolution may include: dismissal of the grievance, acceptance of a reasonable cure plan, imposition of an assessment (see table below), and/or other remedies declared in the Covenants, Bylaws, Articles of Association and/or Board Resolutions.

It is acknowledged that some grievances are of a personal nature and confidentiality is essential.

The Chairperson, Executive Committee, or the full Board will work with all parties to resolve the grievance in a timely fashion.

Either party may appeal a decision to the full Board.

ASSESSMENT STRUCTURE PER OCCURRENCE

Number	Item	Assessment (BD)	Suggested Cure Period (Days)	Notes
1	MSAC Review not performed prior to lot development, construction or additions	\$200	7	Submit appropriate documentation for MSAC recommendation and BOD approval
2	Not maintaining Property in good order	\$100	15	Plus the cost to cure
3	Damage to Infrastructure (CAP, Roads, etc.)	\$100	7	Plus the cost to cure
4	Not maintaining property structures	\$100	30	Plus the cost to cure
5	Keeping of non-domestic animals	\$100	7	
6	Not maintaining control of pets (fenced, leashed, etc.)	\$50	1	Assessments will be immediately imposed for subsequent grievances
7	Providing day rentals of property	\$50/day	7	
8	Rentals < month w/o BOD Approval	\$100	7	
9	Driving on CAP	\$50	1	
10	Parking on CAP	\$50	1	
11	Loud worker noise (e.g., radio, etc.)	\$50	1	
12	Not using the approved method of disposing of trash / yard waste	\$50	3	Plus the cost to cure
13				